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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,837	12/07/2000	John T. Austin	PD-990309	2999

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HUGHES ELECTRONICS CORPORATION  
PATENT DOCKET ADMINISTRATION, RE/R11/A109  
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EXAMINER

PAYNE, DAVID C

ART UNIT	PAPER NUMBER
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2633

DATE MAILED: 01/29/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/732,837

**Applicant(s)**

AUSTIN, JOHN T.

**Examiner**

David C. Payne

**Art Unit**

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 4, 9 and 10 have been considered but are moot in view of the new ground(s) of rejection.
2. Regarding applicant's assertion that there is no teaching or suggestion provided in Adiwoso for coupling the gateway shown in Figure 1 (30) to the Internet Access Point (IAP) (37) (claim 1): As applicant notes from the prior office action citation of the Adiwoso patent, "Additionally, gateway 30a may provide a high-speed, broadband connectional that allows user terminals to access information available on the internet." (see col. 4 lines 66-67) .... Internet access point (37) may comprise a large fiber-optical cable link providing information access at an extremely high bandwidth (e.g., gigahertz)," (see col. 5 lines 1-5). It is obvious from the description of these connections and Figure 1. illustrating a connection between the two points that a fiber optic

line would extend between the two points. That is, the reference clearly states that a fiber line exist as part of (37) and explicitly states that a high speed broadband connection is attached to point (30), and it is extremely well known in the art that fiber optic lines are high speed broadband connections.

3. Regarding the applicant's assertion that the satellite is not taught as a backup for irregularities in the optical line (claims 4 and 9). The Examiner notes however, the teaching in Korevaar that certain network element may avail them selves of an alternate mode of communication when necessary (see col. 7 lines 1-20). It is obvious from this disclosure that since two alternative modes of communication exists between two points and where components are capable of choosing the best path that they then able to choose as the applicant has claimed by choosing e.g., satellite communication over fiber communication in the presence of a non-optimal routing environment. Similarly, for claim 5, this same passage is cited for choosing to route over fiber between communication stations when services require higher data rates.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adiwoso et al. US 6,067,453 (Adiwoso).

Re claim 1, Adiwoso disclosed

A communications system comprising (figure 1): a first teleport station (gateway station (20a)); a first user; a satellite coupling the first teleport station to the first user (29); and a internet access point coupled to the Internet (figure 1 (37)) and the first teleport station, said network access point coupled to the first teleport station through an optical fiber (e.g., col./line: 5/1-5).

Adiwoso does not use the term teleport station and network access port as the applicant. However, it would have been obvious to one of ordinary skill in the art at the time of invention that the gateway station and teleport station serve the same

purpose as connecting the user with the satellite network as well as the internet access point providing the same function as the network access point as described by the applicant.

Re claim 3, Adiwoso disclosed

A communications system further comprising a second teleport (figure 12) station coupled to the first teleport station through said satellite.

3. Claims 2, 5, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adiwoso et al. US 6,067,453 (Adiwoso) in view of Wiedeman US 6,160,994 (Wiedeman).

Re claim 2,

Adiwoso does not disclose communications system wherein said satellite comprises a satellite in the Ka band. Wiedeman disclose the use of Ka band (e.g., col./line: 4/30-40). It would have been obvious to one of ordinary skill in the art at the time of invention to use Ka band with the Adiwoso invention for the benefit of high

speed high capacity user links as disclosed by Wiedeman (e.g., col./line: 4/30-40).

Re claim 5, Adiwoso disclosed operation over diverse geographic regions (see figure 2, 5, and 6).

Re claim 6, the modified invention of Adiwoso and Wiedeman disclosed wherein the step of routing communication from the second teleport station comprises directing the communication from the second teleport station to the second user by way of an optical fiber (Wiedeman, col./line: e.g., col/line:7/18-31)

Re claim 7, the modified invention of Adiwoso and Wiedeman disclosed the use of multiple satellites for communication between users (see Adiwoso, Figure 12).

Re claim 8, Adiwoso disclosed the step of coupling the first teleport station to the Internet (figure 1 (37)).

4. Claims 4, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adiwoso et al. US 6,067,453 (Adiwoso) in view of Korevaar US 6,490,066 B1 (Korevaar).

Re claim 4,

Adiwoso does not disclose a second teleport station coupled to the second teleport station through said optical fiber network and said satellite; an optical fiber network providing a primary communication link until an irregularity is detected in said optical fiber, whereupon the sensing of the irregularity, routing the communication from said first teleport station to said second teleport station through said satellite. Korevaar disclosed the use of dual satellite and laser communication to connect users (e.g., col./line: 7/1-20). It would have been obvious to one of ordinary skill in the art at the time of invention to use satellite or fiber as a back up system for the other since one communication mode might not provide ubiquitous coverage or in the event a communication mode failure such as atmospheric conditions or fiber break as disclosed by Korevaar (e.g., col/line:7/1-20).



Re claim 9, the modified invention of Adiwoso and Wiedeman disclosed the steps of: generating a plurality of spot beams directed to a respective plurality of teleport stations from a satellite; (Adiwoso, col./line: 8/10-15).

Adiwoso does not disclose a second teleport station coupled to the second teleport station through said optical fiber network and said satellite; an optical fiber network providing a primary communication link until an irregularity is detected in said optical fiber, whereupon the sensing of the irregularity, routing the communication from said first teleport station to said second teleport station through said satellite. Korevaar disclosed the use of dual satellite and laser communication to connect users (e.g., col./line: 7/1-20). It would have been obvious to one of ordinary skill in the art at the time of invention to use satellite or fiber as a back up system for the other since one communication mode might not provide ubiquitous coverage or in the event a communication mode failure such as atmospheric conditions or fiber break as disclosed by Korevaar (e.g., col/line:7/1-20).

Re claim 10, Adiwoso disclosed the step of coupling the first teleport station to the Internet (figure 1 (37)).

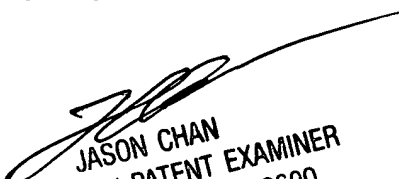
**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (703) 306-0004. The examiner can normally be reached on M-F, 7a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (703) 305-4729. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Dcp

  
JASON CHAN  
SUPERVISORY PATENT EXAMINER  
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